

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	CR 14 - 4091 <i>DED</i>
Plaintiff,)	
)	COUNT 1 (Violation of the
)	Clean Water Act)
MICHAEL J. WOLF,)	33 U.S.C. § 1311, 1319(c)(2)(a)
)	and 1342
Defendant,)	18 U.S.C. § 2

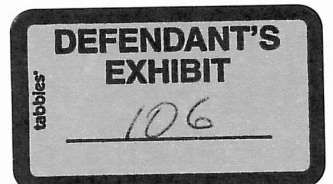
INFORMATION

The United States Attorney charges:

INTRODUCTION

1. Defendant MICHAEL J. WOLF is an individual residing in Remsen, Iowa. Defendant was employed by Sioux-Preme Packing Corporation ("Sioux-Preme") where he worked as a manager and supervisor in the maintenance department. Sioux-Preme is a pork processing facility doing business in Sioux Center, Iowa, and has a National Pollutant Discharge Elimination System (NPDES) Permit Number 8400100, which allows it to discharge pollutants as long as specific effluent parameters are met.

2. Defendant supervised as many as fifteen employees at Sioux-Preme including mechanics, electricians, and other maintenance personnel. Defendant had worked at Sioux-Preme since December of 1991. In order to meet its production requirements, Defendant's employer regularly discharged or land-applied the wastewater it used during pork processing.



operation, and maintenance requirements for the permit holder.

7. Section 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, provide that pollutants may be discharged only in accordance with the terms of a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to that Section.

8. Section 502(12) of the CWA, 33 U.S.C. § 1362(12), defines the term “discharge of pollutant” to include “any addition of any pollutant to navigable waters from any point source.”

9. To implement Section 402 of the CWA, the EPA promulgated regulations codified at 40 C.F.R. Part 122. Pursuant to 40 C.F.R. § 122.1, a NPDES permit is required for the discharge of pollutants from any point source into waters of the United States.

10. “Pollutant” is defined by Section 502(6) of the CWA, 33 U.S.C. § 1362 to include, *inter alia*, biological materials and agricultural waste discharged to water.

11. “Point source” is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362 to include “any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation . . . from which pollutants are or may be discharged.

12. “Waters of the United States” are defined in 40 C.F.R. § 122.2 to include, among other things,

COUNT I

(Knowing Violation of a Permit)

15. Each and every preceding paragraph is incorporated by reference herein.

16. Between, on or about October 23, 2012 through October 24, 2012, in the Northern District of Iowa, Defendant MICHAEL J. WOLF knowingly violated, and caused to be violated, a requirement of the NPDES permit under 33 U.S.C. § 1342, and as such, is a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a), namely by discharging wastewater with a BOD₅, NH₃-N, or Fecal Coliform content in excess of the above established NPDES permit limits to the Unnamed Tributary to the West Branch of the Floyd River a "Water of the United States" within the meaning of the CWA.

All in violation of Title 33, United States Code, Sections 1319(c)(2)(A) and Title 18, United States Code, Section 2.

Respectfully submitted,

KEVIN W. TECHAU
United States Attorney

By,

FORDE FAIRCHILD
Assistant United States Attorney

United States District Court
NORTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA
V.

MICHAEL J. WOLF

JUDGMENT IN A CRIMINAL CASE

Case Number: CR 14-4091-1-MWB

USM Number: 13854-029

Robert Tiefenthaler

Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) 1 of the Information filed on December 9, 2014
- ☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.
- ☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense	Count
33 U.S.C. §§ 1311(a), 1319(c)(2)(A), and 1342	Discharging a Pollutant in a Water of the United States	10/24/2012	1

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
- ☐ Count(s) _____ is/are dismissed on the motion of the United States.

IT IS ORDERED that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material change in economic circumstances.

July 15, 2015

Date of Imposition of Judgment

Mark W. Bennett

Signature of Judicial Officer

Mark W. Bennett

U.S. District Court Judge

Name and Title of Judicial Officer

7.17.15

Date

DEFENDANT: MICHAEL J.WOLF
CASE NUMBER: CR 14-4091-1-MWB

SPECIAL CONDITIONS OF SUPERVISION

The defendant must comply with the following special conditions as ordered by the Court and implemented by the U.S. Probation Office:

- 1) The defendant must submit to a search of the defendant's person, residence, adjacent structures, office or vehicle, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant must warn any other residents that the residence or vehicle may be subject to searches pursuant to this condition. This condition may be invoked with or without the assistance of law enforcement, including the United States Marshals Service.
- 2) The defendant must serve six (6) weekends in a designated county jail facility. The defendant must report to the facility at a date and time as specified by the United States Probation Office. The defendant's failure to report as directed may subject the defendant to additional criminal charges.

Upon a finding of a violation of supervision, I understand the Court may: (1) revoke supervision; (2) extend the term of supervision; and/or (3) modify the condition of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

Defendant

Date

U.S. Probation Officer/Designated Witness

Date

DEFENDANT: MICHAEL J.WOLF
CASE NUMBER: CR 14-4091-1-MWB

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100 due immediately, balance due
- ☐ not later than _____, or
- ☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

The \$100 special assessment was paid on July 16, 2015, receipt #IAN550001463.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.